

Item 3

Statement of Chairman Edward D. Re *

I am appreciative of the privilege extended to me by the Council to state my own thoughts on the human rights treaties so thoroughly and ably discussed at this meeting. Because of the impartial role of a presiding officer, I had refrained from stating my personal views. I will not speak of the constitutional and international legal issues since, in my opinion, both sides have discussed them completely and accurately. I agree that we are not dealing solely with questions of law, but also with broad questions of policy. My remarks therefore will be limited to the underlying ideals, goals, and principles that go to the heart of the specific questions before us.

Many references have been made to the United Nations Declaration on Human Rights, that great pronouncement that may be destined to be the forerunner of a Magna Carta for all men everywhere. It was the first concrete step designed to fulfil the pledge enshrined in the Charter of the United Nations to promote universal respect for, and observance of, fundamental freedoms for all. Yet I should remind you that that noble document is merely a declaration, and that it requires further action to give the lofty goals therein set forth the form and status of law.

This has been precisely the experience of the United States. Our nation, too, first proclaimed its lofty goals and ideals in a declaration; a declaration that solemnly proclaimed the equality of all men; a declaration that I regard as the crowning achievement of 18th century philosophy. But since that historic day in 1776 it has been the sacred responsibility of Americans to give life and sinew to that declaration and make it a breathing reality for all Americans. The drafting of our Constitution followed and, slowly, painfully, but inexorably, laws were enacted and are being enacted to make the American system of laws the embodiment of the pledge of '76.

Just as we have made admirable progress in achieving for all Americans the American promise, as set forth in our Declaration, we have a moral and a legal commitment to help fulfil those same ideals of liberty and freedom for all people everywhere. How else can we, in

* [At the conclusion of the discussion by the Council, Chairman Re was requested to state his personal views. This statement is the substance of his remarks. Editor]

all sincerity, tell the world that we are striving to foster human rights and fundamental freedoms? This is precisely our obligation and commitment under the Charter of the United Nations. Whereas this is for Americans an era of fulfillment, for people in many parts of the world it is an era of awakening and expectation. We can perhaps best fulfil our great national and international responsibility to people everywhere by supporting covenants on human rights. The universal declaration of human rights was a great first step, but we cannot rest upon that achievement. The task now before us is to embody the ideals of that declaration in the form of covenants and treaties.

Many of you have stressed your disappointment in the failure to have given legal content to Article 17 of the Declaration which protects private property. Although I, too, deplore the absence of such a provision in human rights treaties, I am not one to "curse the darkness." Rather, I would hope that we could "light a candle" and join with other nations of the world in according the other ideals enshrined in the Declaration the dignity and force of international legal norms. To be specific, at this late date of world history, how can we continue to countenance slavery and forced labor? Few outside this room, and fewer still outside of our country, will appreciate the able and serious constitutional arguments that have been made here. The overriding question will be phrased in simple and basic terms. Do we, or do we not, favor and support treaties against slavery and against forced labor.

I, of course, appreciate the "wedge" argument that has been made so vigorously. It implies that to approve some treaties will mean that more treaties will be drafted, and that many more will be brought before us for approval in the future. But that is not the question before us. We are now concerned with three specific treaties, and the question is whether we are to recommend to the Senate of the United States their ratification. The fact that some treaties that may be proposed at some future date may be bad is no reason to disapprove those treaties before us today. It would be analogous to saying that, because legislatures occasionally pass bad laws, legislatures ought to be deprived of the power to legislate. Our action should depend upon the particular treaties before us and not upon the fear of possible future treaties.

The question before us is limited to three specific treaties, the Supplementary Slavery Convention, the Convention on the Abolition of Forced Labor, and the Convention on the Political Rights of

Women. If we are to help make this era an era of fulfillment for the international society, we must urge their ratification by the Senate. America must retain its hard earned position of leadership in the field of human rights and fundamental freedoms. My friends, I have for many years been deeply committed to treaties on human rights.** I strongly favor the specific treaties that our government has submitted to the Senate for ratification and I urge that we recommend their ratification.

** [See Re, "Freedom in the International Society" in *Concept of Freedom*, Grindel (editor), 217, 255-289 (1955). Editor]